

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

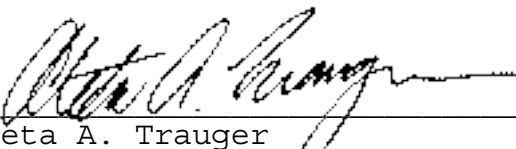
HARLEN ROY LAMONT ZIRKER]	
Petitioner,]	
]	
v.]	No. 3:10-1044
]	Judge Trauger
BRUCE WESTBROOKS, WARDEN]	
Respondent.]	

O R D E R

In accordance with the Memorandum contemporaneously entered, the Court finds merit in the respondent's Motion to Dismiss (Docket Entry No.27). Therefore, respondent's Motion is GRANTED and this action is hereby DISMISSED. Rule 8(a), Rules --- § 2254 Cases.

Should the petitioner give timely notice of an appeal from this order, such notice will be treated as an application for a certificate of appealability, Rule 22(b), Fed.R.App.P., which will NOT issue because the petitioner is unable to make a substantial showing of the denial of a constitutional right.

It is so ORDERED.



Aleta A. Trauger
United States District Judge